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9   UNITED STATES DISTRICT COURT
          FOR THE CENTRAL DISTRICT OF CALIFORNIA
10   WESTERN DIVISION

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   DIANNE COMMONS   Case No.:
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                        Plaintiff,   **COMPLAINT** for violations of the Fair
13   Debt Collection Practices Act, 15 U.S.C.
        -against-   § 1692 *et seq*. and the Rosenthal Fair
14   Debt Collections Practices Act, Cal. Civ.
   CONTINENTAL CREDIT   Code § 1788 *et seq*. and **DEMAND**
15 CONTROL, INC.   **FOR JURY TRIAL**

16   Defendant.

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18   Plaintiff Dianne Commons ("Plaintiff") by and through her attorneys, The

19 Law Offices of Jonathan A. Stieglitz, as and for her Complaint against Defendant

20 Continental Credit Control, Inc. ("Defendant") respectfully sets forth, complains

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22 and alleges, upon information and belief, the following:

23   **JURISDICTION AND VENUE**

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25   1.   The Court has jurisdiction over this matter pursuant to 28 U.S.C.

26 § 1331, as well as 15 U.S.C. § 1692 *et seq*. and 28 U.S.C. § 2201. The Court

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also has pendant jurisdiction over the State law claims in this action pursuant

to 28 U.S.C. § 1367(a).

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2. Venue is proper in this judicial district pursuant to 28 U.S.C.

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§ 1391(b)(2).

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3. Plaintiff brings this action for damages and declaratory and injunctive

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relief arising from the Defendant's violations of 15 U.S.C. § 1692 *et seq.*,

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commonly known as the Fair Debt Collections Practices Act ("FDCPA"),

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and Cal. Civ. Code § 1788 *et seq.*, commonly known as the Rosenthal Fair

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Debt Collections Practices Act ("RFDCPA").

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PARTIES

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4. Plaintiff is a resident of the State of California, residing in the County

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of Ventura.

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5. Defendant is "debt collector" as the phrase is defined in 15 U.S.C.

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§ 1692(a)(6) and used in the FDCPA, with an address at 22 N. Milpas St.,

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Suite C, Santa Barbara, CA.

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FACTUAL ALLEGATIONS

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6. Plaintiff incorporates by reference all of the above paragraphs of this

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Complaint as though fully stated herein with the same force and effect as if

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the same were set forth at length herein.

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7.   On information and belief, on a date better known to Defendant, Defendant began collection activities on an alleged consumer debt from the Plaintiff ("Alleged Debt").

8.   The Alleged Debt was incurred as a financial obligation that was primarily for personal, family or household purposes and is therefore a "debt" as that term is defined by 15 U.S.C. § 1692a(5).

9.   The reporting of a debt to a credit bureau is a "communication" as the term is defined by 15 U.S.C. § 1692a(2).

10.   Defendant reported the Alleged Debt on Plaintiff's credit report.

11.   Plaintiff disputed the debt directly with Defendant by letter on January 25, 2015.

12.   Plaintiff examined her credit report again on March 24, 2015, and saw that Defendant had neither removed the Alleged Debt from her credit report, nor had it marked as "disputed by consumer" despite being required to do so by the FDCPA.

13.   As a result of Defendant's improper debt collection practices described above, Plaintiff has been damaged.

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FIRST CAUSE OF ACTION
(Violations of the FDCPA)

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14.   Plaintiff incorporates by reference all of the above paragraphs of this

Complaint as though fully stated herein with the same force and effect as if

the same were set forth at length herein.

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15.   Defendant's debt collection efforts attempted and/or directed towards

Plaintiff violate various provisions of the FDCPA, including but not limited

to 15 U.S.C. §§ 1692e, 1692e(2), 1692e(8), 1692e(10) and 1692f.

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16.   As a result of the Defendant's violations of the FDCPA, Plaintiff has

been damaged and is entitled to damages in accordance with the FDCPA.

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SECOND CAUSE OF ACTION
(Violations of the RFDCPA)

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17.   Plaintiff incorporates by reference all of the above paragraphs of this

Complaint as though fully stated herein with the same force and effect as if

the same were set forth at length herein.

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18.   The RFDCPA requires debt collectors to comply with the FDCPA, and

a violation of the FDCPA is also a violation of the RFDCPA. Cal. Civ. Code

§ 1788.17.

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19.   The remedies under the FDCPA and RFDCPA are cumulative, and

Plaintiff is entitled to damages under both acts.

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20.   Upon information and belief, Defendant willfully and knowingly committed the violations of the FDCPA and RFDCPA described herein, and Plaintiff is entitled to statutory damages pursuant to Cal. Civ. Code § 1788.30(b).

DEMAND FOR TRIAL BY JURY

21.   Plaintiff demands and hereby respectfully requests a trial by jury for all claims and issues this complaint to which Plaintiff is or may be entitled to a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment from the Defendants as follows:

a)   For actual damages provided and pursuant to 15 U.S.C. § 1692k(a)(1) and Cal. Civ. Code § 1788.30(a);

b)   For statutory damages provided and pursuant to 15 U.S.C. § 1692k(a)(2)(A) and Cal. Civ. Code § 1788.30(b);

c)   For attorney fees and costs provided and pursuant to 15 U.S.C. § 1692k(a)(3) and Cal. Civ. Code § 1788.30(c);

d)   A declaration that the Defendant's practices violated the FDCPA and the RFDCPA; and

1   e) For any such other and further relief, as well as further costs, expenses

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3   and disbursements of this action as this Court may deem just and proper.

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5   Dated: November 25, 2015

6   THE LAW OFFICES OF
              JONATHAN A. STIEGLITZ

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8   By: /s/ Jonathan A Stieglitz
              Jonathan A Stieglitz

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